

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Vladimir Vyrkin,

Plaintiff,

-against-

Triboro Bridge & Tunnel Authority, et al.,

Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 5/27/2021

1:18-cv-12106 (SDA)

ORDER

STEWART D. AARON, United States Magistrate Judge:

The Court has reviewed the parties' proposed trial exhibits and the objections thereto, with the exception of the surveillance video¹ (see Def.'s 5/25/21 Ltr., ECF No. 68.) At the upcoming bench trial, the Court shall accept into evidence the parties proposed exhibits that it has thus far reviewed and determine thereafter what weight, if any, to ascribe to them. See *Wechsler v. Hunt Health Sys., Ltd.*, No. 94-CV-08294 (PKL), 2003 WL 22764545, at *3 (S.D.N.Y. Nov. 21, 2003) ("[T]he 'more prudent course in a bench trial [is] to admit into evidence doubtfully admissible records,' and to permit the parties to aim their arguments at the weight of the evidence." (citing *Van Alen v. Dominick & Dominick, Inc.*, 560 F.2d 547, 552 (2d Cir. 1977)); see also *Dreyful Ashby, Inc. v. S/S "Rouen"*, No. 88-CV-02890 (MBM), 1989 WL 151685, at *2 (S.D.N.Y.1989) ("[A]ll doubts at a bench trial should be resolved in favor of admissibility.").

For the record, the exhibits to be accepted into evidence are set forth in the chart on the next page of this Order.

¹ In addition to the exhibits listed in ECF No. 68, the Court was advised today that Plaintiff seeks to include as a trial exhibit his criminal court summonses and that Defendant objects to them on relevance grounds.

<u>Exhibit Number</u>	<u>Description</u>
Plaintiff Ex. 1	TBTA Arrest Report (DX-1)
Plaintiff Ex. 2	BTO Cabrera Daily Activity Log Excerpts (DX-2)
Plaintiff Ex. 3	TBTA Arrest Process Tracking Form (DX-3)
Plaintiff Ex. 4	Transcript of the criminal court proceedings in the matter of "People of the State of New York vs. Vladimir Vyrkin" (Index No. SX-041577/17), ECF motion 42, Exhibit 8
Plaintiff Ex. 5	Transcript of the deposition of Officer Edwin Cabrera, dated November 6, 2019, ECF motion 42, Exhibit 10
Plaintiff Ex. 6	ECF motion 42, Exhibits 12, 13 & 14 (photographs)
Plaintiff Ex. 7	Criminal Court Summons
Defendant Ex. A	Sergeant Ellis Daily Activity Log Excerpts (DX-4)
Defendant Ex. B	TBTA Vehicle Log (DX-5)

The Court later shall rule on the admissibility of the surveillance video (Defendant Ex. C), which has not yet been submitted to the Court.

SO ORDERED.

Dated: New York, New York
May 27, 2021



STEWART D. AARON
United States Magistrate Judge